

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,

v.

AMAZON.COM, INC.; AMAZON.COM
SERVICES LLC; AND AMAZON WEB
SERVICES, INC.,

Defendants.

Case No. 7:24-cv-00030-ADA-DTG

JURY TRIAL DEMANDED

JOINT NOTICE OF STIPULATIONS ON MOTIONS AND VENUE DISCOVERY

Whereas Defendants (“Amazon”) filed a Motion to Dismiss or Transfer (Dkt. 31);

Whereas the Plaintiff VirtaMove filed a Motion to Strike (Dkt. 41) Amazon’s Motion to Dismiss; and

Whereas the Parties thereafter met and conferred via counsel and agreed to narrow their disputes as set forth below;

It is hereby stipulated:

- 1) Plaintiff’s claims of indirect and willful infringement are dismissed without prejudice, with leave to re-plead those allegations with specificity if supported by a good faith basis under Rule 11. Plaintiff may re-plead those allegations within three months after fact discovery opens, and the parties agree to permit fact discovery on indirect and willful infringement during those three months. This agreement to permit such fact discovery does not prevent a party from objecting to any discovery requests that are unduly burdensome or otherwise improper.

- 2) The due date for Amazon Web Services, Inc. to answer VirtaMove's amended complaint shall be July 12, 2024.
- 3) VirtaMove **WITHDRAWS** its Motion to Strike (Dkt. 41). Amazon's Motion to Dismiss or Transfer (Dkt. 31) remains pending as to venue. The portion of Amazon's Motion that challenges VirtaMove's claims of willful and indirect infringement is now **MOOT** because those claims have been dismissed without prejudice as set forth above.
- 4) The parties agree that venue discovery shall be open until August 30, 2024. The deadline for VirtaMove to file its Opposition to the transfer motion is thus September 13, 2024. The deadline for Amazon's Reply in support of the transfer motion is extended to October 11, 2024

In accordance with the Standing Amended Order Regarding Joint or Unopposed Request to Change Deadlines, none of these deadlines extend a final submission that affects the Court's ability to hold a scheduled hearing, trial, or Court event.

Respectfully submitted on June 21, 2024.

/s/ Peter Tong

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CERTIFICATE OF SERVICE

I certify that on June 21, 2024, a true and correct copy of the foregoing document was electronically filed with the Court and served on all parties of record via the Court's CM/ECF system.

/s/ Peter Tong
Peter Tong